

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MICHAEL W. ESPY,  
  
Plaintiff,

vs.

CIVIL NO.: 19-CV-10305  
HON. ROBERT H. CLELAND

COMMISSIONER OF SOCIAL  
SECURITY

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the court on the parties' cross motions for summary judgment. The case was referred to United States Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on October 25, 2019 recommending that this court deny Defendant's Motion for Summary Judgment, [Dkt #16] Grant in Part Plaintiff's Motion for Summary Judgment [Dkt #13] and remand the case to the Commissioner for further proceedings. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C); thus further appeal rights are waived.<sup>1</sup>

Accordingly, the court ADOPTS the recommended findings and conclusions of the Magistrate Judge.

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<sup>1</sup> The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. See Thomas v. Arn, 474 U.S. 140,149 (1985).

**ORDER**

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Defendant's Motion for Summary Judgment [Dkt #16] is **DENIED**, Plaintiff's Motion for Summary Judgment [Dkt #13] is **GRANTED IN PART** to the extent it seeks remand; **DENIED IN PART** to the extent it seeks an award of benefits and this matter is **REMANDED** for further proceedings.

IT IS SO ORDERED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: November 22, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 22, 2019, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(810) 292-6522